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OCT 12 2005

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

NATHANIEL BOYD,  
Petitioner,

v.

GENE M. JOHNSON,  
Respondent.

)  
) Case No. 7:05CV00403  
)

) FINAL ORDER  
)

) By: Hon. Jackson L. Kiser  
) Senior United States District Judge

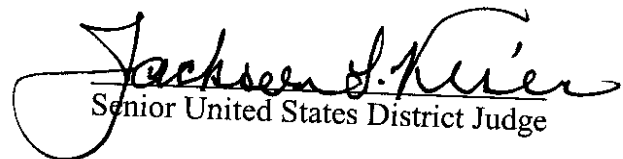
For the reasons stated in the accompanying memorandum opinion, it is hereby

**ORDERED**

that the respondent's motion to dismiss shall be **GRANTED**, and the petition shall be stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 12<sup>th</sup> day of October, 2005.

  
Senior United States District Judge